

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Cubico Huntley Lessee, LLC

)

Docket No. EG20-____-000

**NOTICE OF SELF-CERTIFICATION OF
EXEMPT WHOLESALE GENERATOR STATUS**

Pursuant to section 1266 of the Public Utility Holding Company Act of 2005 (“PUHCA 2005”)¹ and section 366.7(a) of the regulations of the Federal Energy Regulatory Commission (“FERC” or “Commission”),² Cubico Huntley Lessee, LLC (“Huntley Lessee” or “Applicant”) hereby submits this notice of self-certification as an exempt wholesale generator (“EWG”), as defined in section 366.1 of the Commission’s regulations.³

I. CORRESPONDENCE AND COMMUNICATIONS

All communications and correspondence regarding this notice are requested to be sent to the following persons who are authorized to receive service:

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II. DESCRIPTION OF HUNTLEY LESSEE

Huntley Lessee is a Delaware limited liability company engaged in the business of operating an approximately 75 MW_{AC} (nameplate) solar photovoltaic generating facility and

¹ Pub. L. No. 109-58, 119 Stat. 594, § 1266 (2005).

² 18 C.F.R. § 366.7(a) (2019).

³ 18 C.F.R. § 366.1 (2019).

associated interconnection facilities located in Orangeburg County, South Carolina (“Facility”). The Facility is interconnected to the South Carolina Electric & Gas Company (“SCE&G”) balancing authority area (“BAA”). An affiliate of Huntley Lessee, Huntley Solar, LLC, a Delaware limited liability company (“Huntley Solar”),⁴ and Dominion Energy South Carolina (“DESC”) f/k/a SCE&G⁵ are parties to a 16-year wholesale power purchase agreement dated June 2, 2017, as amended July 9, 2018, pursuant to which DESC will purchase 100 percent of the electric energy, capacity, and ancillary services produced by the Facility (the “PPA”). The Facility does not include (and the Applicant does not own, operate, or control) any transmission facilities other than limited and discrete interconnection facilities needed to connect the Facility to SCE&G’s transmission system. The Applicant generated test energy on April 13, 2020, and expects to reach commercial operation on or about April 30, 2020.⁶

Huntley Solar has entered into a twenty-year lease of the Facility to Huntley Lessee, pursuant to the terms of a Master Lease dated as of June 14, 2019. Huntley Lessee will be responsible for the day-to-day operation and maintenance of the Facility and all associated costs and expenses. Although Huntley Solar will retain the PPA, Huntley Lessee will be responsible for power sales to SCE&G during the lease term. Huntley Solar and Huntley Lessee have entered into an agreement whereby Huntley Solar has assigned to Huntley Lessee all of Huntley Solar’s right, title and interest in and to all payments, receipts and revenues for power sales under the PPA.

⁴ Concurrent with this submission, Applicant’s affiliate, Huntley Solar is making a separate self-certification of EWG status and submitting an application for authorization to make wholesale power sales at market-based rates pursuant to Section 205 of the Federal Power Act (“MBR Authority”).

⁵ On April 29, 2019, SCE&G changed its name to DESC. See, e.g., Dominion Energy S.C., Inc., Docket No. ER19-1536-001 (July 1, 2019) (unpublished letter order regarding Notice of Termination of SCE&G’s Wholesale Electric Tariff). However, the SCEG BAA remains its own BAA following the merger transaction.

⁶ Concurrent with this submission, Applicant is submitting an application for MBR Authority that addresses the circumstances surrounding the generation of test power at the Facility.

Huntley Lessee, in turn, will make fixed and variable lease payments (payments that vary with the gross revenues of Huntley Lessee) to Huntley Solar during the term of the lease.

III. SELF CERTIFICATION OF EWG STATUS

Huntley Lessee makes the following representations in order to demonstrate that it meets the Commission's definition of an EWG under Section 366.1 of the Commission's regulations for its energy sales from the Facility.

- A. Huntley Lessee is engaged directly and exclusively in the business of operating the Facility, which will be used exclusively to generate electric products exclusively for sale at wholesale. Huntley Lessee's ongoing generation development activities are incidental to the wholesale generation business and will not violate the EWG exclusivity requirement. The Facility, as described above, will satisfy the definition of "Eligible Facilities" in Section 32(a)(2) of the Public Utility Holding Company Act of 1935, as incorporated by reference in 18 C.F.R. § 366.1, because it will be used for the generation of electric energy exclusively for sale at wholesale.
- B. The Facility includes no transmission or distribution facilities other than those interconnecting transmission facilities necessary to permit sales of electricity exclusively at wholesale.
- C. Applicant does not make sales of power at retail.
- D. The Facility is not located in a foreign country, and Huntley Lessee will not make any foreign sales of power at retail. All electric energy generated by the Facility will be sold directly within the United States exclusively at wholesale.
- E. No rate or charge for, or in connection with, the construction of the Facility, or for any electric energy produced thereby, was in effect under the laws of any state on October 24,

1992. As such, no determination of certification by any state commission is necessary prior to acceptance of this self-certification as an EWG.

F. Other than Huntley Solar, no portion of the Facility will be owned or operated by an electric utility company that is an affiliate or associate company of Applicant, as those terms are defined in Section 366.1 of the Commission's regulations.

G. Other than the lease with Huntley Solar, there are no lease arrangements involving the Facility and any public utility company or any affiliate or associate company of any public utility company.⁷

In accordance with Section 366.7(a) of the Commission's regulations, a copy of this notice of self-certification is being concurrently served upon the South Carolina Public Service Commission.

⁷ Such lease arrangements with a public-utility company and involving a facility used exclusively to generate electricity for sale exclusively at wholesale satisfy the "and selling" requirement for EWG status. *DTE Pontiac North LLC*, 121 FERC ¶ 61,037 at P 7 (2007).

III. CONCLUSION

Based on the facts, representations, and statements set forth herein, Huntley Lessee hereby requests that the Commission accept this notice of self-certification of EWG status.

Respectfully Submitted,

/s/Michael A. Yuffee

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Dated: April 17, 2020

CERTIFICATE OF SERVICE

I, Alexandra J. Hemmings, hereby certify that I have this day caused the foregoing Notice of Self-Certification of Exempt Wholesale Generator Status of Cubico Huntley Lessee, LLC, to be served by first-class mail upon the South Carolina Public Service Commission.

Dated at Fripp Island, South Carolina, this 17th day of April, 2020.

/s/ Alexandra J. Hemmings

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